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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,018	12/21/2000	Katsuyuki Matsumoto	001627	6673

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 03/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No. 09/741,018	Applicant(s) MATSUMOTO ET AL.
Examiner Thomas K Pham	Art Unit 2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 12/21/2000.
- 2a)  This action is FINAL.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-5 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

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***Notice to Applicant(s)***

1. Claims 1-5 of U.S. Application 09/741018 filed on 12/21/2000 are presented for examination.

**DETAILED ACTION**

***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 11-370327, filed on 12/27/1999.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood U.S. Patent No. 6,178,514.
5. As for claim 1, Wood shows a portable electronic device comprising a common serial bus connector provided with data terminals and a power supply terminal in compliance with a common serial bus standard (col. 9 lines 39-41) for connecting a plurality of peripheral devices in common to a host information processing device (col. 9 lines 31-36), a common serial bus controller for executing predetermined data communication processing attendant on data communication with an information processing device connected to the common serial bus

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connector (fig. 12 element 224), and a control circuit connected to the common serial bus controller for executing device operation processing for the usual operation of the electronic device (fig. 7 element 21), the electronic device being capable of receiving a power supply from the information processing device or an external power source as connected to the common serial bus connector or from an internal power source (col. 9 lines 47-49 and col. 10 lines 10-13), the portable electronic device being characterized in that the control circuit discriminates among the sources of supply of power and causes the common serial bus controller to execute the predetermined data communication processing while power is supplied from the information processing device (col. 28 line 66 to col. 29 line 4), or executes the usual device operation processing while power is supplied from the external power source or the internal power source (col. 30 lines 7-8).

6. As for claim 2, Wood shows a portable electronic device according to claim 1 wherein the control circuit comprises discriminating means for judging which of the information processing device and the external power source is connected to the common serial bus connector (col. 29 lines 4-8), and control means for causing the common serial bus controller to execute the predetermined data communication processing when the connection of the information processing device to the common serial bus connector is recognized (col. 22 lines 62-67), or executes the usual device operation processing when the connection of the external power source to the common serial bus connector is recognized (col. 30 lines 7-8).

7. As for claim 3, Wood shows a portable electronic device according to claim 2 wherein the discriminating means identifies the source of supply of power based on the voltage value of the power supply terminal of the common serial bus connector (col. 28 lines 49-58).

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8. As for claim 4, Wood shows a portable electronic device according to claim 2 wherein the discriminating means identifies the source of supply of power depending on whether the common serial bus controller has started data communication via the common serial bus connector (col. 28 lines 24-27).

9. As for claim 5, Wood shows a portable electronic device according to claim 2 wherein the control circuit further comprises means for detecting the connection of the information processing device or the external power source to the common serial bus connector based on the binary state of voltage level of the power supply terminal thereof, and the discriminating means identifies the source of supply of power according to the result of detection (col. 30 lines 7-18).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thomas Pham; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Friday from 7:30AM- 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *John Follansbee*, can be reached on (703) 305-8498 or via e-mail addressed to [*joh.follansbee@uspto.gov*]. The fax number for this Group is (703) 308-5403.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**thomas.pham@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas K. Pham  
*Patent Examiner*

tp  
March 26, 2003

*Ramesh Patel*  
RAMESH PATEL  
PRIMARY EXAMINER 2/26/03  
*For John Follansbee*